

REMARKS

In the specification, the title has been amended to be more clearly indicative of the invention to which the claims are directed.

Claims 1 – 13 and 17 – 21 are pending in the instant patent application. Claims 1 – 13 are allowed. Claims 14 – 16 and 22 have been withdrawn as the result of an earlier restriction requirement.

Claims 2, 5, 6, 17, and 21 have been amended to correct claim objections.

The Office Action rejected claims 17, 18, 20, and 21 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,250,826 to Chang et al. (Chang). Specifically, the Office Action asserts that Fig. 1 of Chang discloses an integrated pair of HBT 11 and FET 15 transistors sharing a contact layer 14 where the contact layer 14 serves as both the cap layer for the FET and the subcollector layer for the HBT.

Applicant respectfully traverses the rejection of the claims under 35 U.S.C. § 102 because Chang does not teach a contact layer serving as both a cap layer for the FET and a subcollector layer for the HBT. A careful reading of Chang clearly shows that Chang's contact layer 14 does not serve as a subcollector layer for the HBT and a cap layer 22 for the FET. Figure 1, col. 2, lines 58 – 59, and col. 2, line 65 – col. 3, line 2 of Chang clearly show that the HBT subcollector layer 14 and the FET cap layer 22 are distinctly different layers and not the shared layer as claimed by the Applicant. The Office Action has not made a prima facie case to support a rejection under 35 U.S.C. § 102 because Chang does not teach each and every element of the claimed invention.

Applicants respectfully submit that the rejection under 35 U.S.C. § 102(b) has been overcome and/or obviated and respectfully request that the rejection be withdrawn. Furthermore, Applicants respectfully request that the rejection of claims 18, 20, and 21, which depends from claim 17, be withdrawn because claim 17 is now in condition for allowance.

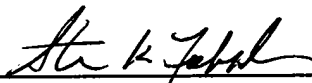
The Office Action has rejected claim 19 under 35 U.S.C. § 103 as being unpatentable over Chang. Claim 19 depends on claim 17 and is therefore allowable because claim 17 is allowable.

Applicants respectfully request entry of the foregoing amendments and remarks into the file history of the above-identified application. Applicants believe that each ground for rejection has been successfully overcome and/or obviated, and that all pending claims are in condition for allowance. Withdrawal of the rejections and allowance of the application are respectfully requested.

No fee is believed to be due in connection with filing of the instant request. However, if a fee is due, please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

Respectfully submitted,

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Steven K. Fukuda (Reg. No. 44,690)
Customer No.: **09629**
Morgan, Lewis & Bockius LLP
101 Park Avenue
New York, NY 10178-0060
212.309.6000